

Remarks/Arguments:

This is a reply to the office action of July 18, 2005.

With reference to the 35 USC 102 anticipation rejection of claim 41 in the light of Brammer (US 3,507,515), we note that this apparatus requires a complete modification of the whole bumper, and assumes that the bumper is in fact the hitch. The step apparatus of the citation is integrated by assembly to the bumper as a whole, and the presence of the hitch *per se* is entirely incidental. The applicant first refutes the notion that a bumper to which a hitch is secured may be regarded as a hitch *per se*.

The present invention on the other hand may be clearly defined as a step attachment that disposes in a relationship with the hitch, and not the bumper, irrespective of whether the hitch is mounted on the bumper or not. In the case of the ball hitch, this means that the relationship between the hitch ball and the step attachment is maintained by the hitch ball being commonly secured with the step attachment.

Claim 41 has been amended to clearly indicate the relationship between the hitch and the step attachment.

With reference to claim 44, the applicant submits that the 35 USC 102 objection is moot in the light of the amendment proposed.

With reference to claim 45, the applicant respectfully submits that the 35 USC 102 objection is misapplied. The citation does not include an embodiment where a pivot pin (which one?) is mounted in lugs having an upper bearing surface which is adapted to support the underside of the step when the step is in its deployed position. The citation instead uses a plurality of pins to pivotally interconnect a plurality of tension members.

The applicant respectfully submits that the objections under 35 USC 103(a) are moot in the light of amendments proposed. However, the applicant submits that the disclosure of Criley (US 4,846,487), cannot be combined with the disclosure of Brammer to arrive at the invention of either of claims 42 or 43. With reference to claim 42, it is clear that the locking pin arrangement is described as useful in retaining the respective parts in a stowed position, not a deployed one. The deployment of steps in both the Brammer and Criley apparatus relies on the deployment of tension members about a compression member (the step per se). When deployed, a pin cannot lock the apparatus in the deployed position. Accordingly the pin 60 of Criley cannot be used, in the manner in which its use is taught, in combination with the disclosure of Brammer to arrive at the invention of claim 42.

With reference to claim 43, the applicant respectfully submits that the objection is moot in view of the dependent nature of the claim. However, the applicant respectfully submits that claim 43 may be distinguished in its own right. There is nothing in the disclosure of Brammer when viewed in the light of Criley that would indicate to the skilled person to locate the step so closely over the hitch that the trailer tongue cannot come off the hitch. Similarly, there is no subject matter referred to by the examiner that would indicate that the pins 60 of Criley would be in any way useful in locking the hitch to the intended effect, that is, prevention of removal of a trailer tongue from the hitch.

In summary, the claims now presented are deemed patentable over the prior art of record, and we believe this application is now in condition for allowance.

Respectfully submitted,



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